IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

WP(C).No. 17296 of 2007(S)

OP.150/2007 of FAMILY COURT, KOTTARAKKARA
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PETITIONER:
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1. S.VAISHNAV (MINOR), S/O. SALIM,
NOW RESIDING WITH HIS MOTHER AT 115 T.P.T.
CENTRAL PUNJABI BAGH, NEW ROTHAK ROAD,
NEW DELHI.

2. SHYAMALA, AGED 56 YEARS,
W/O. THANKAPPAN, RESIDING AT SHAM NIVAS,
EDAMON MURI AND VILLAGE, PATHANAPURAM TALUK,
(AS NEXT FRIEND OF MINOR 1ST PETITIONER).

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.AJITH MURALI

RESPONDENTS:

SALIM, AGED 42 YEARS, S/O. DIVAKARAN,
NOW RESIDING AT SUDHA VILASAM, KARIYARA P.O.,
KAMUKUMCHERRY MURI, PIDAVOOR VILLAGE,
PATHANAPURAM TALUK.

BY ADV. SRI.K.JAYAKUMAR
SRI.R.SURAJ KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1-TRUE COPY OF OP.NO.150/2007 BEFORE THE FAMILY COURT, KOTTARAKKARA.

EXT.P2-TRUE COPY OF OBJECTION.

EXT.P3-TRUE COPY OF ORDER IN OP (MAINT) NO.150/2007 PASSED BY FAMILY COURT, KOTTARAKARA. DATED 5.5.2007

// TRUE COPY //

P.S. TO JUDGE

Kurian Joseph & T.R. Ramachandran Nair, JJ.

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W.P.(C)..NO.17296 of 2007-S

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Dated this the 9th day of July, 2007

JUDGMENT

Kurian Joseph, J.

This writ petition has been filed for the following reliefs:

"i) set aside Ext.P3 order; and

ii) direct the Family Court, Kottarakara to hear and dispose of O.P.No.150/2007 on its file, as expeditiously as possible."

The original petition is one filed for maintenance. As per Ext.P3, the Family Court directed the parties to produce the child. It is the contention of the petitioner that the scope of the case is only maintenance and hence the presence of the child is unnecessary. We are also primafacie satisfied that being an issue only of maintenance, it is not necessary to have the presence of the child.

Therefore, there will be a direction to the Family Court, Kottarakara not to insist for the production of the child for the purpose of disposal of O.P. No.150/2007. There will be a further direction to the Family Court to

dispose of the original petition expeditiously.

The writ petition is disposed of as above.

(Kurian Joseph, Judge.)

(T.R. Ramachandran Nair, Judge.)

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